

From: rodmant@tigris.pounder.sol.net@inetgw
To: Microsoft ATR
Date: 1/20/02 1:09pm
Subject: I disapprove of Proposed Final Judgement in US vs Microsoft

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CC: Russell_Feingold@feingold.senate.gov@inetgw,senato...

It means something that I am spending my heartbeats, my time, putting together these comments. They are heart felt; I believe this ruling will adversely affect millions in their daily experience with software; it will impact people's livelihoods- it does matter.

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I do not understand why the Department of Justice caved in so easily to Microsoft's demands. I want freedom of choice in the software operating system market! I'm frustrated that for years our department has been paying for Microsoft software on my PC that I never use, don't need, and do not want! IT departments all over the country have been brainwashed into thinking the Microsoft software is the only safe choice--this lemming mentality is foul and counterproductive; we're giving too much power away to Microsoft.

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http://kegel.com/remedy/remedy2.html :
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I want to be able to buy a PC with out any Windows software loaded, and with out paying a dime to Microsoft. Apparently the PFJ allows Microsoft to "retaliate against any OEM that ships Personal Computers containing a competing Microsoft operating system". I object to this!

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http://kegel.com/remedy/remedy2.html :
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1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and

discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: "Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product..." This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

Microsoft willfully acts to thwart competition using what in my opinion are the software equivalent of "dirty tricks"; they have demonstrated this behavior more than once, why does the PFJ show so much trust in Microsoft- they not to be regulated; they can NOT be trusted!:

<http://kegel.com/remedy/remedy2.html> :

[illegible]

3. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems. An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that "Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft." That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

My understanding of Microsoft's latest Operating system is that it has become more and more "paternal" and intrusive - father Redmond knows what's best for you, and will learn all about you.. an arrogant and disrespectful attitude..

My view is that Microsoft has stifled innovation. They have taken years and years to catch up to the competition in robust reliable operating systems. They have not won because they create the best products, they win because of their dirty tricks, and excellent marketing. In general I view their software as a closed black box filled with bugs. Users find the bugs, and users pay Microsoft to fix them. The process of debugging their software takes years of end users' time.

time and is very frustrating.

In contrast my experience with Open Source software (GNU tools and LINUX), and with Hewlett Packard or SUN UNIX has been wonderful.

Please see <http://kegel.com/remedy/> for additional links.

regards,

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